JOHN D. MUNDING, WSBA 21734 1 CRUMB & MUNDING, P.S. 2 1610 W. Riverside Ave. Spokane, WA 99201 3 (509) 624-6464 4 5 Attorney for Defendants 6 MIDLAND FUNDING, LLC MIDLAND CREDIT MANAGEMENT, INC 7 8 9 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON AT SPOKANE 10 11 12 KELLI GRAY, and all others similarly Case No. 2:09-cv-251-EFS situated, 13 (CONSOLIDATED CASE) Plaintiffs, 14 DECLARATION OF JOHN D. 15 v. MUNDING IN SUPPORT OF 16 **DEFENDANTS MIDLAND CREDIT** SUTTELL & ASSOCIATES, et al, 17 MANAGEMENT, INC., MIDLAND **FUNDING, LLC, AND ENCORE** 18 Defendant. **CAPITAL GROUP, INC.'S MOTION** FOR PARTIAL SUMMARY 19 JUDGMENT. 20 JOHN D. MUNDING hereby states under penalty of perjury under the laws of 21 22 the United States that the following is true and correct: 23 I am over the age of majority and a resident of Spokane, Washington, and 1. 24 I make this declaration of my own personal knowledge and am competent to testify to 25 all the facts herein. 26 CRUMB & MUNDING, P.S. 1610 W. RIVERSIDE AVE SPOKANE, WA 99201

DECLARATION OF JOHN D. MUNDING - 1

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- 2. I am President of the law firm of Crumb & Munding, P.S, and counsel to Defendants Midland Funding, LLC, and Midland Credit Management, Inc. I make this declaration based upon personal knowledge, publicly available documents, and my review of materials generated during the course of this litigation.
- 3. Attached as Exhibit A is a copy of Kelli Gray's NovastarIS credit report dated 5/7/2003.
- 4. Attached as Exhibit B is a copy of excerpts of the Deposition Testimony of KELLI E. GRAY HARRINGTON taken October 5, 2010 at 9:00 a.m. in Spokane, WA. I personally attended this deposition.
- 5. Attached as Exhibit C is a copy of First Consumers National Bank's credit card agreement.
- 6. Attached as Exhibit D is a copy of Kelli Gray's Spiegel Charge credit card statement of 6/3/03.
- 7. Attached as Exhibit E is a copy of Kelli E. Gray's May 2003 bank statement drawn on Spokane Teachers Credit Union.
- 8. Attached as Exhibit F is a copy of the Declaration of Kelli Gray in Support of Defendant's Motion to Dismiss in Case No. 08-2-04860-2, filed October 20, 2009.
- 9. Attached as Exhibit G is a copy of a Bill of Sale and Assignment of Accounts from SPIEGEL ACCEPTANCE CORPORATION to MIDLAND FUNDING LLC dated December 4, 2007.
- 10. Attached as Exhibit H is a copy of a Purchase and Sale Agreement between Spiegel Acceptance Corporation as Seller and Midland Funding LLC as Buyer dated and effective as of December 4, 2007.
- 11. Attached as Exhibit I is a copy of 'Schedule A' of Plaintiff Kelli Gray, original loan date 08/24/2001.

- 12. Attached as Exhibit J is a copy of the Servicing Agreement entered into December 15, 2006 between owner Midland Funding LLC and servicer Midland Credit Management, Inc.
- 13. Attached as Exhibit K is a copy of the Collection Agreement executed May 1, 2006 between Midland Credit Management, Inc., and Suttell & Associates.
- 14. Attached as Exhibit L is a copy of the state court collection complaint, Midland Funding LLC v Kelli Gray, Case No. 08-2-04860-2, filed October 27, 2008.
- 15. Attached as Exhibit M is a copy of Kelli Gray's motion to dismiss the state court action, Case No. 08-2-04860-2, filed October 20, 2009.
- 16. Attached as Exhibit N is a copy of the State Court Order Dismissing Case No. 2008-02-04860-2, issued by the Honorable Judge Leveque February 4, 2011.
- 17. Attached as Exhibit O is a copy of Defendant Midland Funding, LLC's Supplemental Response to Discovery filed in United States District Court for the Eastern District of Washington in Case No. 2-09-cv-251-EFS on February 25, 2011.
- 18. Attached as Exhibit P is a copy of confidential flow charts utilized by Midland Credit Management to estimate the applicable state statute of limitations.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

EXECUTED this 13th day of April, 2015 in Spokane, Washington.

CRUMB & MUNDING, P.S.

/s/ John D. Munding
JOHN D. MUNDING, WSBA #21734
Attorneys for Defendants

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